



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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The Honorable John Carney
Governor

John McNeal
SCPD Director

MEMORANDUM

DATE: November 30, 2017

TO: Ms. Leslie W. Ledogar, Regulatory Specialist
Department of Insurance

FROM: Ms. Jamie Wolfe, Chairperson
State Council for Persons with Disabilities

RE: 21 DE Reg. 406 [Department of Insurance Proposed Health Insurance Arbitration (11/1/17)]

The SCPD commented on an earlier version of this proposed regulation in September, 2017. The Department of Insurance is now publishing a revised proposed regulation incorporating some amendments prompted by the Council's commentary. The revised proposed regulation was published as 21 DE Reg. 406 in the November 1, 2017 issue of the Register of Regulations.

First, the Council recommended that the Department of Justice not be limited to attorneys when providing assistance to persons appealing adverse health insurer substance abuse decisions. The Department agreed and revised the authorization to cover all forms of assistance (not merely legal assistance) and allow non-attorney assistance. At 407.

Second, the Council recommended revising §2.0 to include "the DOJ website address (with description of its substance abuse legal assistance program) in addition to a phone number". The Department agreed and added website and email addresses. Id.

Third, the Council recommended incorporation of disclosure of the availability of DOJ assistance in notices required by the regulation. The Department compromised by incorporating disclosure in notices issued under the complementary regulation published at 21 DE Reg. 400 (11/1/17). Id.

Since the Department has improved the initiative consistent with the Council's earlier commentary, the SCPD is reiterating its endorsement without recommending any further changes.

Thank you for your consideration and please contact SCPD if you have any questions regarding our observations on the proposed regulation.

cc: Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

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